

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. 1 to SB2386

**Trail
Signature of Sponsor**

AMEND Senate Bill No. 2386

House Bill No. 2129*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 17-5-304, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a) Disciplinary counsel shall evaluate all information coming to disciplinary counsel's attention by complaint or from other sources that allege judicial misconduct or incapacity. Unless the complaint alleges specific facts, not conclusions, which would cause a reasonable person to believe that there is a substantial probability that the conduct involved violates §17-5-302, disciplinary counsel shall, subject to review by the investigative panel pursuant to subdivision (b)(3), dismiss the complaint, or if appropriate, refer the matter to another agency. If the information contains specific facts that would cause a reasonable person to believe that there is a substantial probability that the conduct violates §17-5-302, disciplinary counsel shall conduct a preliminary investigation.

(b) (1) Disciplinary counsel may conduct interviews and examine evidence to determine whether the specific facts alleged are true and, if so, whether such facts would cause a reasonable person to believe that there is a substantial probability that a violation of § 17-5-302 has occurred; provided, that no subpoena shall issue to obtain testimony or evidence until the investigative panel authorizes a full investigation pursuant to subdivision (b)(3).

(2) When disciplinary counsel believes there is evidence supporting the allegations against a judge, the counsel shall recommend to the investigative

Amendment No. 1 to SB2386

**Trail
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2386

House Bill No. 2129*

panel assigned to the case that the panel authorize a full investigation.

Disciplinary counsel may recommend a full investigation when there are grounds to believe that evidence which would cause a reasonable person to believe that there is a substantial probability that a violation of § 17-5-302 has occurred could be obtained by subpoena or further investigation. In all other cases, disciplinary counsel shall recommend that the matter be dismissed.

(3) The investigative panel shall review disciplinary counsel's recommendations and either dismiss the complaint or authorize a full investigation.